

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
July 13, 2010**

1. Present

Commissioners:

Sherwood Bishop, Chair
Bill Taylor, Vice-Chair
Randy Bryan
Jude Prather
Curtis O. Seebeck
Jim Stark
Chris Wood
Travis Kelsey

City Staff:

Chuck Swallow, Development Services Director
Matthew Lewis, Development Services Assistant Director
Francis Serna, Recording Secretary
John Foreman, Planner
Abigail Gillfillan, Planner

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:00 p.m. on Tuesday July 13, 2010 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Bishop welcomed the audience. Chair Bishop announced that staff reported that the SmartCode will only include downtown and exclude the neighborhoods until staff has met with Neighborhood groups.

4. *NOTE:* *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

5. Citizen Comment Period

Jean Baggett, 726 W. Hopkins, stated she has lived in San Marcos for almost two years and has been before the Commission twice. She felt that was too many. Ms. Baggett asked the Commission to place a moratorium on zone changes in the residential areas on San Marcos. She pointed out that she has attended Planning and Zoning Commission and City Council meeting and said it is horrible to go to the meetings and listen to the people of San Marcos speak concerning the proposed changes to the residential areas. Ms. Baggett stated that she feels bad for the folks that are speaking because they don't know what to do. Once again she asked the Planning and Zoning Commission to place a moratorium on zoning changes in neighborhoods of

San Marcos. Ms. Baggett asked the Commission to listen to the citizen stories with their hearts because the citizens are the fiber of San Marcos.

Grace Neal, 128 S. Endicott, addressed the problems and cost incurred when she was trying to build her house on her lot. She asked the Commission to consider the established Dunbar neighborhood and consider how they address building in existing areas with careful review. She pointed out that the LDC and SmartCode are designed for "new" development and have no flexibility in considering current built out neighborhoods. Ms. Neal asked the Commission to slow down the code approval process and consider individual community input to ensure the existing areas continue to be fairly handled.

6. CUP-10-15. Hold a public hearing and consider possible action on a request by Cinema Grill, Inc for a Conditional Use Permit to allow on premise consumption of beer and wine at 321 N LBJ DR.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Prather and a second by Commissioner Kelsey, the Commission voted all in favor to approve CUP-10-15 with the conditions that the CUP shall be valid for an initial approval period of one (1) year, provided standards are met, subject to the point system and the applicant shall submit all required plans and receive all necessary permits from the Health Department. The motion carried unanimously.

7. PC-10-07(01). Consider possible action on a request by Byrn & Associates, Inc., on behalf of 90 San Marcos, Ltd., for approval of the concept plat of 90 San Marcos Property, being 88.2 acres, more or less, in the J.M. Veramendi Survey No. 2, Abstract No. 17, located in the 1800 & 1900 Block of North IH-35.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Prather, the Commission all in favor to approve PC-10-07(01) with the conditions that a dedicated left-turn bay be added of sufficient length to accommodate left-turn movements at the intersection of Mill Street and Copper Beech Street and review of a Traffic Impact Analysis (TIA) be complete and approved for the entire Concept Plan. The motion carried unanimously.

8. QWPP2-10-0002. Consider possible action on a request by Byrn & Associates, Inc., on behalf of Joe K. Dobie, Jr. for a Qualified Watershed Protection Plan Phase II for Lot 1, Joe Dobie Addition, located on the southwest corner of Aquarena Springs Drive and River Road.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Wood, the Commission voted all in favor to approve QWPP2-10-0002 as submitted. The motion carried unanimously.

9. PC-10-08(03). Consider possible action on a request by Byrn & Associates, Inc., on behalf of Joe K. Dobie, Jr., for approval of the final plat of Lot 1, Joe Dobie Addition, located on the southwest corner of Aquarena Springs Drive and River Road.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Prather, the Commission voted all in favor to approve PC-10-08(03) as submitted. The motion carried unanimously.

10. LUA-10-01. Hold a public hearing and consider possible action on a request by Breckenridge Properties for a Future Land Use Map Amendment from High Density Residential (HDR) to Medium Density Residential (MDR) on a 1.35 acre parcel out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at 400 Briar Meadow Road.

11. ZC-10-04. Hold a public hearing and consider possible action on a request by Breckenridge Properties for a Zoning Change from unzoned to Multi-Family (MF-12) on a 1.35 acre parcel out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at 400 Briar Meadow Road.

Chair Bishop opened the public hearing for LUA-10-01 and ZC-10-04. David Williamson representing Breckenridge stated he was available to answer questions. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Taylor, the Commission voted all in favor to approve LUA-10-01. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Taylor, the Commission voted all in favor to approve ZC-10-04. The motion carried unanimously.

12. LUA-10-02. Hold a public hearing and consider possible action on a request by Breckenridge Properties for a Future Land Use Map Amendment from High Density Residential (HDR) to Medium Density Residential (MDR) on a 4.53 acre parcel out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at 201 Briar Meadow Road.

13. ZC-10-05. Hold a public hearing and consider possible action on a request by Breckenridge Properties for a Zoning Change from unzoned to Multi-Family (MF-12) on a 4.53 acre parcel out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at 201 Briar Meadow Road.

Chair Bishop opened the public hearing for LUA-10-02 and ZC-10-05. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Taylor, the Commission voted all in favor to approve LUA-10-02. The motion carried unanimously.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Taylor, the Commission voted all in favor to approve ZC-10-05. The motion carried unanimously.

14. LUA-10-03. Hold a public hearing and consider possible action on a request by Breckenridge Properties for a Future Land Use Map Amendment from Industrial (I) to Medium Density Residential (MDR) on a 5.85 acre parcel out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located on the southeast corner of Briar Meadow Road and the Missouri Pacific R. R.

15. ZC-10-06. Hold a public hearing and consider possible action on a request by Breckenridge Properties for a Zoning Change from Light Industrial (LI) to Multi-Family (MF-12) on a 5.85 acre parcel out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located on the southeast corner of Briar Meadow Road and the Missouri Pacific R. R.

Chair Bishop opened the public hearing for LUA-10-03 and ZC-10-06. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Taylor, the Commission voted all in favor to approve LUA-10-03. The motion carried unanimously

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Taylor, the Commission voted all in favor to approve ZC-10-06. The motion carried unanimously

16. LUA-10-04. Hold a public hearing and consider possible action on a request by Breckenridge Properties for a Future Land Use Map Amendment from Commercial (C) to Medium Density Residential (MDR) on a 9.90 acre parcel out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located approximately 600 feet west of IH-35 and 200 feet north of Mill Street extension.

17. ZC-10-07. Hold a public hearing and consider possible action on a request by Breckenridge Properties for a Zoning Change from General Commercial (GC) to Multi-Family (MF-12) on a 9.90 acre parcel out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located approximately 600 feet west of IH-35 and 200 feet north of Mill Street extension.

Chair Bishop opened the public hearing for LUA-10-04 and ZC-10-07. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Taylor, the Commission voted all in favor to approve LUA-10-04. The motion carried unanimously

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Taylor, the Commission voted all in favor to approve ZC-10-07. The motion carried unanimously

18. LUA-10-05. Hold a public hearing and consider possible action on a request by Hammond Jones Development on behalf of Everette and Donna Swinney for a Land Use Map Amendment for 2.0199 acres of land described as Park Addition lots 36, 37, 38, 54, 57, 59 from Low Density residential to High Density Residential located at 218 Sessom Drive.

19. ZC-10-08. Hold a public hearing and consider possible action on a request by Hammond Jones Development on behalf of Everette and Donna Swinney for a Zoning Change for 2.0199 acres of land described as Park Addition lots 36,37,38,54,57,58 from Single Family Residential – 6 (SF-6) to Multi-Family Residential – 24 (MF-24) located at 218 Sessom Dr.

20. LUA-10-06. Hold a public hearing and consider possible action on a request by Hammond Jones Development on behalf of the Estate of Helen Van Gundy for a Land use Map Amendment for 3.078 acres of land described as Park Addition lots 55, 56, 52, 53, 41, 50-51 & pt of 42,43,44 from Low Density Residential to High Density Residential

21. ZC-10-09. Hold a public hearing and consider possible action on a request by Hammond Jones Development on behalf of the Estate of Helen Van Gundy for a Zoning Change for 3.078 acres of land described as Park Addition lots 55, 56, 52, 53, 41, 50-51 & pt of 42,43,44 from Single Family Residential – 6 (SF-6) to Multi-Family Residential – 24 (MF-24).

22. LUA-10-07. Hold a public hearing and consider possible action on a request by Hammond Jones Development on behalf of Christian Espiritu for a Land Use Map Amendment for 1.19 acres of land described as Park Addition lots 39, 40 from Low Density Residential to High Density Residential located at 300 Loquat St.

23. ZC-10-10. Hold a public hearing and consider possible action on a request by Hammond Jones Development on behalf of Christian Espiritu for a Zoning Change for 1.19 acres of land described as Park Addition lots 39, 40 from Single Family Residential – 6 (SF-6) to Multi-Family Residential – 24 (MF-24) located at 300 Loquat St.

Chair Bishop opened the public hearing for LUA-10-05, ZC-10-08, LUA-10-06, ZC-10-09, LUA-10-07, and ZC-10-10.

Robert Moseley, 123 Canyon Road, pointed out problems with the notification map stating that there is no information on the map indicating the scope of the apartments. He also indicated that several streets indicated on the map do not exist as portrayed on the notification map. Mr. Moseley stated that the proposed use will decrease property values. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Seebeck, the Commission voted all in favor to postpone LUA-10-05, ZC-10-08, LUA-10-06, ZC-10-09, LUA-10-07 and ZC-10-10 for six months. The motion carried unanimously.

24. Classifying an Unlisted Use- Gaming Facilities. Hold a public hearing and consider possible action on an appeal by Molly Harris of the Planning Directors interpretation that the proposed gaming facilities are not similar enough to any use currently defined in the Land Use Matrix Section 4.3.1.2

Chair Bishop opened the public hearing. Molly Harris, 191 Harton Cove, Buda Texas explained that her concern is that since May she has been going round and round regarding whether or not her business is similar enough to existing businesses. Ms. Harris explained that her business is a charitable sweepstakes business which is being compared to indoor amusement services and pointed out related services from the staff report. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Seebeck, the Commission voted three (3) for and five (5) opposed that the proposed use is similar enough to Amusement Services or Amusement Devices/Arcade and should be treated the same. The motion failed. Commissioners Kelsey, Stark, Bryan, Bishop and Wood opposed.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Bryan, the Commission voted three (3) for and five (5) opposed that the proposed use is not similar enough to any existing categories and should not be allowed. The motion failed. Commissioners Prather, Taylor, Seebeck, Bishop and Wood opposed.

MOTION: Upon a motion to amend the motion was made by Commissioner Kelsey and a second by Commissioner Seebeck, the Commission voted seven (7) for and one (1) opposed that the main motion include that recommendations from staff be brought back to the Commission at the July 27, 2010 Planning Commission meeting. The motion carried. Commissioner Stark opposed the amendment.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Prather, the Commission voted seven (7) for and one (1) opposed that the proposed use is not similar enough to any existing categories and a new classification should be added to the matrix and that recommendations from staff should be brought back to the Commission at the July 27, 2010 Planning Commission meeting. The motion carried. Commissioner Stark opposed.

25. Discussion Items.

Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

Commissioner Seebeck announced that Matthew Lewis, Assistant Director of Development Services is a San Marcos resident.

Planning Report

Matthew Lewis invited the Commission to the SmartCode Workshop that will be held on Wednesday, July 21, 2010 at 6:00 p.m. at the San Marcos Activity Center.

Commissioners' Report

Chair Bishop reported that there will be several items on the July 27, 2010 Planning Commission agenda. He thanked staff for their dedication.

26. Consider approval of the minutes from the Regular Meeting of June 22, 2010.


MOTION: Upon a motion made by Commissioner Prather and a second by Commissioner Bryan, the Commission voted all in favor to approve the minutes from the Regular Meeting of June 22 2010. The motion carried unanimously.

27. Questions and answers from the Press and Public.

Dan West, member of the Local Veteran Foreign War Post and Chairman of the Veterans Advisory Committee for San Marcos stated that he understood that the VFW Sweepstakes was being questioned. Mr. West advised he was available to answer any questions.

28. Adjournment

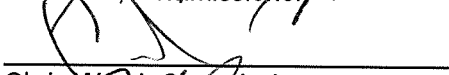
Chair Bishop adjourned the Planning and Zoning Commission at 8:09 p.m. on Tuesday, July 13, 2010.



Sherwood Bishop, Chair



Jim Stark, Commissioner




Chris Wood, Commissioner



Randy Bryan, Commissioner



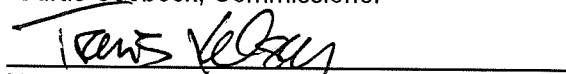
Bill Taylor, Commissioner



Jude Prather, Commissioner



Curtis Seebeck, Commissioner



Travis Kelsey, Commissioner

ATTEST:


Francis Serna, Recording Secretary